

REMARKS

As a preliminary matter, in the previous Office Action dated July 28, 2008, the Examiner cited Yukawa et al. (U.S. Publication No. 2003/0188817) as a reference but did not include this reference in the Form PTO-892. Applicants again respectfully request that this reference be acknowledged in a Form PTO-892 by the Examiner.

Claims 1-4, 6-7, and 9-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tsihlas (WO 02/085648) and further in view of Yukawa (U.S. Publication No. 2003/0188817). Applicants respectfully traverse the rejection because the cited references fail to disclose or suggest a pneumatic tire that has a range of variations in weight per unit length of the porous material member in the circumferential direction of the tire in the range of 0 to 2%.

As now defined in amended claim 1, the annular body includes compressed portions and uncompressed portions alternately arranged in a tire circumferential direction that are formed by partially applying compression forming to a porous material having a uniform cross-sectional shape in a tire circumferential direction. The porous material member has variations in weight per unit length within a range of 0 to 2% in the tire circumferential direction.

On page 3 of the outstanding Office Action, the Examiner asserts that Tsihlas col. 3, lines 55 *et seq.* discloses multiples of four ridges and gaps, and that a height of the gaps 46 occupies at least half the height of the ridges 42 so that the reference discloses the range of variations in weight per unit length of the porous material member of the present invention. In particular, the Examiner asserts that one of ordinary

skill in art would be capable of having the height of the gaps occupying a small amount of the height of the ridges, and therefore the resulting features recited in claim 1 of the present Application. Applicants respectfully traverse these assertions of the Examiner.

Applicants respectfully submit that the Examiner has misinterpreted the Tsihlas reference. Paragraph [026] of Tsihlas merely teaches that the ridges and gaps each have a substantially constant height, as measured in the radial direction. Preferably, a height of the gaps 46 occupies at least half the height of the ridges 42. However, the height taught by Tsihlas does not refer to the height extending outwardly in the radial direction, but instead refers to the reverse direction (i.e., radially inward). This is clear from paragraph [026] of Tsihlas wherein the reference teaches that the base 48 of the strip 42 at the gap 46 is less than half the height of the ridge 44. Therefore, Tsihlas teaches that when viewed in the radial direction, the height of the gap is preferred to be less than half the height of the ridge. Therefore, the assertions by the Examiner that the heights of the gap and ridge could be approximately equal is incorrect. Thus, Tsihlas fails to teach a range of variations in weight per unit length of the porous material member in the circumferential direction if the tire is being in the range of 0 to 2%. For at least this reason, the rejection is improper, and should be withdrawn, which is respectfully requested.

Moreover, paragraph [029] of Tsihlas teaches that strips 42, 43 of the ring 40 may be easily formed and mutually spaced. The strips 42, 43 alternately could be molded or machined, depending on the material used. (See also FIGs. 2 and 3 of Tsihlas). Since the strips 42, 43 are molded or machined, Tsihlas teaches that material

would be removed from the gaps, resulting in the weight of the ring material in the gap region being less than the weight in the ridged region. Thus, Tsihlas does not have a range of variations in weight per unit length to the porous material member in the circumferential direction of the tire being in the range of 0 to 2%. Tsihlas is different from the present invention because the depth portions are not compressed as in the present invention, and therefore the reduced portions of Tsihlas do not maintain a constant weight in both the gap and the ridged region. For this additional reason, Applicants respectfully traverse the rejection and assert that the rejection is improper.

Since Yukawa fails to overcome the deficiencies noted above of Tsihlas, Applicants respectfully submit that any combination of Tsihlas and Yukawa fails to disclose or suggest the feature of the range of variations in weight per unit length of the porous material member in the circumferential direction of the tire being in the range of 0 to 2%. Accordingly, withdrawal of the §103(a) rejection of claims 1-4, 6-7 and 9-11 is respectfully requested.

For all of the foregoing reasons, Applicants submit that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

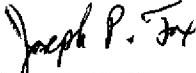
If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge any additional fees which may be required to this Application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

April 28, 2009

300 South Wacker Drive,  
Suite 2500  
Chicago, Illinois 60606  
(312) 360-0080  
Customer No. 24978  
P:\DOCS\4386\75743\EE0786.DOC

By   
Joseph P. Fox  
Registration No. 41,760